

**FROZEN FRUIT**

**29465. Frozen whole strawberries and frozen sliced strawberries. (2 seizure actions).** (F.D.C. Nos. 45816; 45830. S. Nos. 85-090 R; 85-089 R, 85-097 R.)

**QUANTITY:** 241 30-lb. cans of frozen sliced strawberries, and 172 30-lb. cans of frozen whole strawberries at Van Buren, Ark.

**SHIPPED:** 5-9-61, from Sallisaw, Okla.

**RESULTS OF INVESTIGATION:** The articles were shipped in bulk as above and processed and packed by Crawford County Farm Bureau Cooperative at Van Buren, Ark., and thereafter delivered to the dealer.

**LIBELED:** 5-31-61 and 6-8-61, W. Dist. Ark.

**CHARGE:** 402(a)(3)—contained decomposed and moldy strawberries while held for sale.

**DISPOSITION:** 8-7-61. Default—delivered to a public institution for use as animal feed.

**VEGETABLES AND VEGETABLE PRODUCTS**

**29466. Green leafy vegetables. (Inj. No. 444.)**

**COMPLAINT FOR INJUNCTION FILED:** 11-30-62, Dist. N.J., against Savino Ser-marini, Moorestown, N.J.

**CHARGE:** The complaint alleged that the defendant was engaged in operating an 80-acre farm on which he produced raw agricultural commodities such as turnip greens, mustard greens, collards, Swiss chard, dandelion greens, rape, and kale, which were distributed in interstate commerce, and were adulterated within the meaning of 402(a)(2)(B) in that the foods contained a pesticide chemical, namely, endrin, which was unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on such foods had been prescribed by regulations.

The complaint alleged also that the defendant was aware that his activities were in violation of the Act as a result of inspections of his farm and of the results of chemical analyses of samples of his products made by the Food and Drug Administration, but that he continued to ship adulterated foods.

**DISPOSITION:** On 11-30-62, a temporary restraining order was entered against the defendant, enjoining the defendant from introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, 1. turnip greens, mustard greens, collards, Swiss chard, dandelion greens, rape, kale, and any other article of food which bore the pesticide chemical endrin and was thereby adulterated (1) in that no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on such foods had been prescribed by regulations or (2) in the case of cabbages, cottonseed, cucumbers, eggplant, peppers, potatoes, sugar beets, sugar beet tops, summer squash, and tomatoes in that the quantity of the pesticide chemical was in excess of the zero tolerance for endrin on those enumerated foods; 2. any leafy vegetable which had been sprayed with endrin, or any vegetable on which or in connection with which endrin had been used contrary to the uses for endrin registered with the United States Department of Agriculture; and 3. any vegetables produced by the defendant unless and until procedures were established which would insure against the interstate shipment of any violative food, which would include the following measures:

A. it was clearly established that said vegetables did not bear or contain  
(i) any traces of an unsafe pesticide chemical for which no tolerance had been established by regulation, or

(ii) any quantity of any unsafe pesticide chemical in excess of the established tolerance for such pesticide chemical on the vegetable;

B. records were maintained which showed the number and times of application of endrin and any other pesticide chemical including the formula and/or amounts and proportions of each of the chemicals used, the products so treated, and the method of application to each product;

C. an individual, qualified by training in the uses and natures of pesticide chemicals, including a knowledge of the uses of such chemicals registered with the United States Department of Agriculture, was employed to advise and supervise the uses made by the defendant of all pesticide chemicals; and

D. representatives of the Food and Drug Administration were given free access to inspect the records relating to the use of pesticide chemicals.

A hearing was held before the court on 1-9-63, the restraining order having expired. The defendant did not appear at the hearing and the court entered a temporary injunction incorporating the terms of the restraining order.

On 2-13-63, the defendant having consented to the entry of such a decree, a decree of permanent injunction was entered enjoining the defendant as set forth above.

**29467. Dried white corn. (F.D.C. No. 49457. S. Nos. 32-626 X, 32-633 X.)**

**QUANTITY:** 77 100-lb. bags of white corn at Oxnard, Calif., in possession of La Central Bakery.

**SHIPPED:** Prior to 10-10-63, from the State of Kansas.

**LIBELED:** 11-20-63, S. Dist. Calif.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 12-30-63. Default destruction.

**29468. Dried black-eyed peas and dried red beans. (F.D.C. No. 46294. S. Nos. 95-927/8 R.)**

**QUANTITY:** 192 100-lb. bags of dried black-eyed peas, and 21 100-lb. bags of dried red beans, at Denton, Tex.

**SHIPPED:** Between 2-27-61 and 7-3-61, from California, and Mountainair, N. Mex.

**LIBELED:** 8-15-61, E. Dist. Tex.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 10-17-61. Consent—claimed by Whitson Food Processing Co., Denton, Tex., for use as seed and/or animal feed.

**29469. Soybeans. (F.D.C. No. 49720. S. No. 53-864 X.)**

**QUANTITY:** 200 100-lb. bags at Portland, Oreg., in possession of Porter-Scarpelli Macaroni Co.

**SHIPPED:** 12-10-62, from Stuttgart and Little Rock, Ark.

**LIBELED:** 1-17-64, Dist. Oreg.

**CHARGE:** 402(a)(3)—contained insects and rodent urine; and 402(a)(4)—held under insanitary conditions.